

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
LAS VEGAS, NEVADA  
COURT ROOM NUMBER 7C  
AND  
THROUGH VIDEO CONFERENCING, RENO COURTROOM 6**

**MONDAY, NOVEMBER 8, 2010**

In re:

**USA COMMERCIAL MORTGAGE**

**2:07-cv-892-RCJ-GWF**

Member Cases:

3:07-cv-0241-RCJ-GWF

2:07-cv-1133-RCJ-GWF

2:07-cv-0894-RCJ-GWF

2:08-cv-1389-RCJ-GWF

In re:

**ASSET RESOLUTION, LLC**

**BK-S-09-32824-RCJ**

(Jointly Administered under)

BK-S-09-32831-RCJ

BK-S-09-32839-RCJ

BK-S-09-32843-RCJ

BK-S-09-32844-RCJ

BK-S-09-32846-RCJ

BK-S-09-32849-RCJ

BK-S-09-32851-RCJ

BK-S-09-32853-RCJ

BK-S-09-32868-RCJ

BK-S-09-32873-RCJ

BK-S-09-32875-RCJ

BK-S-09-32878-RCJ

BK-S-09-32880-RCJ

BK-S-09-32882-RCJ

PRESENT:

THE HONORABLE ROBERT C. JONES, U.S. DISTRICT JUDGE

DEPUTY CLERK: LESA ETTINGER COURT REPORTER: MARGARET GRIENER

**MINUTES OF PROCEEDINGS**

**In re: Asset Resolution, LLC      BK-S-09-32824**

**ORAL ARGUMENT RE:**

[1235] Sullivan Hill Lewin Rez & Engel's First Interim Application for Compensation.

**In re: USA COMMERCIAL      2:07-cv-892 - RCJ-GWF**

**ORAL ARGUMENT RE:**

[1747] Motion in Limine in connection with Rule 55 (b)(2) Damages Adjudication and Motion for Clarification of Defendants' Degree of Participation During Trial in Light of Entry of Default.

[1749] Plaintiffs' Motion in Limine.

[1754] Motion to Strike or to Limit Opinions of Plaintiffs Expert Witness Mr. Jeremy.

[1755] Amended Motion in Limine Nos. 1-9.

[1911] Emergency Motion and Supporting Brief to Preclude Plaintiffs from Offering any Evidence of Damages and/or Striking Plaintiffs' Claims.

In re: USA Commercial Mortgage  
2:07-cv-892-RCJ-GWF  
In re: Asset Resolution, LLC  
BK-S-09-32824-RCJ  
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Court convenes at 12:37 p.m. Appearance of counsel are noted in Las Vegas: Janet Chubb, Jonathan Dabbieri, Melanie Ells, Francis Majorie, Rob Millimet, Lisa Rasmussen, John Bickle and Biff Leonard, Trustee. Counsel appearing in Reno: Daniel Hayward. Counsel appearing telephonically: McAlan Duncan and Vicky Running.

**In re: Asset Resolution:**

The Court hears representations of counsel with respect to [1235] Sullivan Hill Lewin Rez & Engel's First Interim Application for Compensation. Discussion is then held with respect to the amount of compensation requested. The Court APPROVES [1235] Sullivan Hill Lewin Rez & Engel's First Interim Application for Compensation and sets forth on the record the approved amount of compensation. *Mr. Hill is directed to submit a proposed order in accordance with the Court's ruling.*

**In re: USA Commercial Mortgage:**

Preliminarily, based upon Mr. Bickle's representation that the filing of his Verified Petition is forthcoming, the Court GRANTS hi request to present oral argument at today's hearing.

The Court then hears arguments of counsel in support of and in opposition to the motions at issue, respectfully.

1:11 p.m. Court recesses until 5:00 p.m. to address other matters on the Court's calendar.

4:52 p.m. Court convenes; appearances are noted on the record.

Further arguments of counsel are hard with respect to the motions at issue.

Next, discussion is then held with respect to jury selection, voir dire, scheduling of witnesses and other trial matters.

For reasons stated on the record, the Court makes the following rulings:

IT IS ORDERED that 16 potential jurors will be seated; three peremptory challenges will be allowed for plaintiffs; three peremptory challenges will be allowed for defendants, for a total of six peremptory challenges. Ten jurors will be seated to try the case.

With respect to [1747] Motion in Limine in connection with Rule 55 (b)(2) Damages Adjudication and Motion for Clarification of Defendants' Degree of Participation During Trial in Light of Entry of Default and [1749] Plaintiffs' Motion in Limine, the Court DENIES IN PART AND GRANTS IN PART WITH CONDITIONS AS STATED ON THE RECORD.

With respect to [1755] Amended Motion in Limine Nos. 1-9 and [1911] Emergency Motion and Supporting Brief to Preclude Plaintiffs from Offering any Evidence of Damages and/or Striking Plaintiffs' Claims. IT IS ORDERED that oral argument is continued to **Monday, 11/15/201 at 3:00 p.m.** in Reno Courtroom 6 before Judge Robert C. Jones. *Counsel shall note the change in hearing time from that given in open Court.*

With respect to [1754] Motion to Strike or to Limit Opinions of Plaintiffs Expert Witness Mr. Jeremy. IT IS ORDERED that a Daubert hearing is scheduled for **Monday, 11/15/2010 at 3:00 p.m** in Reno Courtroom 6 before Judge Robert C. Jones. *Counsel shall note the change in hearing time from that given in open Court.*

6:05 p.m. Court Adjourns.

LANCE S. WILSON, CLERK

By: /s/  
Deputy Clerk